

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE**

STATE OF MAINE,

Plaintiff,

v.

3M COMPANY, et al.,

Defendants.

Civil Action No. 2:23-CV-00210-JAW

PLAINTIFF STATE OF MAINE’S ASSENTED-TO MOTION TO CONSOLIDATE

Plaintiff the State of Maine (the “State”) moves the Court to consolidate the two actions docketed under Civil Action Nos. 2:23-CV-00210-JAW and 2:25-CV-00453-JAW.

The Court may consolidate actions that “involve a common question of law or fact.” Fed. R. Civ. P. 42(a)(2); *Sea Salt, LLC v. Bellerose*, No. 2:18-CV-00413-JAW, 2021 WL 1431064, at *4 (D. Me. Apr. 15, 2021). Rule 42(a) “encourage[s] consolidation” in such circumstances to “promote convenience and judicial economy.” *Pino-Betancourt v. Hosp. Pavia Santurce*, 928 F. Supp. 2d 393, 394 (D.P.R. 2013).

The two federal court actions do not merely involve common questions of law or fact—they are the same case and arise from the same complaint the State filed in state court on March 29, 2023. There are two actions simply because 3M Company previously removed the case to this Court on two separate occasions. 3M first removed the case on May 18, 2023, and it was docketed under case no. 2:23-CV-00210-JAW. The State then filed a motion to remand (ECF No. 10), which the Court granted (ECF No. 47). The case was remanded to state court, and 3M appealed the remand order to the First Circuit. While 3M’s appeal was pending in the First Circuit, 3M filed a second notice of removal on September 8, 2025. The case was docketed under case no. 2:25-CV-00453-JAW.

On November 19, 2025, the First Circuit reversed the remand order in 2:23-CV-00210-JAW and ordered this Court to “resume jurisdiction over the case for further proceedings.” *State of Maine v. 3M Co.*, 159 F.4th 129, 140 (1st Cir. 2025). The First Circuit subsequently issued the mandate on December 11, 2025. (ECF No. 59, Case No. 2:23-CV-00210-JAW.) As there is no longer any reason to have two different docket numbers for the same case in this Court, consolidation will promote convenience and judicial economy.

The Defendants have assented to the relief requested by this motion.

CONCLUSION

The State respectfully requests that the Court consolidate the cases docketed at case nos. 2:23-CV-00210-JAW and 2:25-CV-00453-JAW and specify that the parties shall use the latter ECF docket for all future filings in the consolidated case.

Dated: January 13, 2026

Respectfully submitted,

AARON M. FREY
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